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In re Application of :  
GILBERT, Martyn :  
Application No.: 09/720,502 :  
PCT No.: PCT/GB99/02125 : NOTIFICATION  
Int. Filing Date: 02 July 1999 :  
Priority Date: 02 July 1998 :  
Attorney Docket No.: UDL-5648 :  
For: ELECTRONIC SYSTEM ARCHITECTURE :

The above-captioned application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

### BACKGROUND

On 02 July 1999, applicant filed international application no. PCT/GB99/02125 which claimed priority date of 02 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 January 2000. A DEMAND for international preliminary examination was filed on 19 January 2000 prior to the expiration of 19 months from the priority date. Accordingly, the thirty-month period for submitting the basic national fee for entering the national stage in the United States of America expired at midnight on 02 January 2001.

On 27 December 2000, applicant filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite \$860 basic national fee; International Preliminary Examination Report; Notification of Recording of a Change (PCT/IB/306); and a preliminary amendment. An oath or declaration of inventor was not included.

On 01 February 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date and a 35 U.S.C. 102(e) date of 27 December 2000.

### DISCUSSION

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO/US on 01 February 2001. Specifically, the oath or declaration requirement under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America has not been satisfied. As such, the 01 February 2001 Notification of Acceptance of Application was erroneously mailed by the DO/EO/US and must be vacated.

**CONCLUSION**

Accordingly, the 01 February 2001 Notification of Acceptance of Application is hereby **VACATED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision, that is, for mailing a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration along with the \$130 surcharge for filing the oath or declaration after the thirty-month period is required.



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